



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,310	10/02/2006	Darren J. Bird	289917.124US1	9778
23483	7590	09/15/2009		
WILMERHALE/BOSTON 60 STATE STREET BOSTON, MA 02109			EXAMINER NGUYEN, SON T	
			ART UNIT 3643	PAPER NUMBER
			NOTIFICATION DATE 09/15/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

michael.mathewson@wilmerhale.com
teresa.carvalho@wilmerhale.com
sharon.matthews@wilmerhale.com

Office Action Summary	Application No. 10/565,310	Applicant(s) BIRD, DARREN J.	
	Examiner Son T. Nguyen	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 15, line 5, the phrase “the container, with the container” is unclear and appears to be repetitive claim of the container.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence (6371055) in view of McCarthy (4269150) and Maglich (5709172).**

For claim 15, Lawrence teaches a leash comprising an elongate strap 300 having a first end (at ref. 304) and a second end (at ref. 204B), with the first end having a collar connector (304) for connection to an animal collar, and the second end having a container connector (204B) for connection to a container (202,202A), the container being constructed from a substantially flexible material (col. 4, lines 1-19) and having a substantially triangular lower portion (202A), and including a strap connector (204A)

Art Unit: 3643

provided at or adjacent to an apex of the triangular lower portion for connection to the container connector (204B), and a leash handle (206) at an opposite side of the triangular lower portion (202A) substantially opposite the apex of the lower portion (202A), the leash handle being disposed substantially parallel to the opposite side and being adapted to be grasped by the hand of a user. However, Lawrence is silent about the whole shape of the body being triangular; and wherein the leash includes a slideable connector slideably disposed on the elongated strap so as to be capable of moving along the elongated strap, the slideable connector being adapted to engage with the container connector at the second end of the elongated strap to allow the leash to be attached about a fixed object without the container or handle being attached to the leash.

McCarthy teaches in the same field of endeavor of a leash as Lawrence in which McCarthy employs a triangular shaped container (10) with an apex (11) and handle (16) opposite the apex. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a triangular shape as taught by McCarthy for the container of Lawrence, since a mere change in size or shape of a component is generally recognized as being within the level of ordinary skill in the art.

Maglich teaches in the same field of endeavor of a leash as Lawrence in which Maglich employs a leash (10) that includes a slideable connector (16) slideably mounted about the strap so as to be capable of moving along the strap, the slideable connector being adapted to engage with the container connector to allow the leash to be attached about a fixed object without the container or handle being attached to the

Art Unit: 3643

leash. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a slideable connector as taught by Maglich on the leash of Lawrence in order to allow a user to attach the leash to a fixed object.

5. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence as modified by McCarthy and Maglich as applied to claim 15 above, and further in view of Jordan (6715449).

For claim 16, Lawrence as modified by McCarthy and Maglich teaches the leash connected to a collar but is silent about a collar having a strap connector adapted to engage the collar connector.

Jordan teaches in the same field of endeavor of animal control as Lawrence as modified by McCarthy and Maglich in which Jordan employs a collar (50) having a strap connector (400) adapted to engage the collar connector. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a collar with a strap connector as taught by Jordan as the preferred collar in the leash system of Lawrence as modified by McCarthy and Maglich in order to allow a user to attach the collar to the leash.

For claim 17, in addition to the above, Jordan further teaches wherein the collar includes a fastening loop (400, near buckle 150) for attaching one or more of: a registration tag; an identification tag; a light emitting device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a fastening loop as taught by Jordan in the collar of Lawrence as modified by McCarthy,

Art Unit: 3643

Maglich and Jordan in order to allow a user to attach an ID tag to the collar for identification of the animal.

For claim 18, in addition to the above, Jordan further wherein the collar includes a collar fastening means (150) for fastening the collar about the animal, the fastening means being disposed substantially adjacent to the fastening loop (400). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a collar fastening means as taught by Jordan in the collar of Lawrence as modified by McCarthy, Maglich and Jordan in order to allow adjustability of the collar.

For claims 19 & 20, Lawrence as modified by McCarthy, Maglich and Jordan wherein the collar strap connector is fixedly mounted on the collar in a location substantially opposite the fastening loop (because of the location of refs. 400 opposite of each other).

Response to Arguments

6. Applicant's arguments filed 6/4/09 have been fully considered but they are not persuasive.

Applicant argued that Maglich shows a dog leash that does include slide ring 16 and clip 14. However, the clip is connected to the leash along the length of the leash where the handhold/handle of the leash connects to the elongated portion of the leash. The handhold/handle of the Maglich leash is formed integral with and not detachable from the elongated portion of the leash. Therefore, to the extent that clip 14 may be connected to slide ring 16, the handhold/handle remains connected and is not detachable. Further, if the features of Maglich were

Art Unit: 3643

incorporated in Lawrence, the resulting leash would have either two handholds/handles or two connectors at the second end of the elongated portion of the leash.

Applicant is attempting to argue a limitation, the clip 14, of Maglich that was not relied on. It is irrelevant that the clip is connected to the leash or that the handhold/handle of the Maglich leash is formed integral with and not detachable from the elongated portion of the leash because these features were not relied on. What is relied on is the slide ring 16 of Maglich which slides along the leash to allow a user to tie the leash around an object as shown in fig. 1 of Maglich and NOTHING more. When the ring 16 of Maglich is placed on the leash of Lawrence, this would allow a user to tie the leash around an object by engaging the ring 16 with the container connector 204B of Lawrence. Note that ref. 204B is a split ring or key rings (col. 4, lines 20-35), thus, one can engage the ring 204B with the ring 16. Split or key ring is not closed loop, thus, there is an end of the ring that allows a user to open it up and engage with ring 16. In addition, note the claim also stated the slidable connector being "adapted" to engage with the container connector, which, clearly, the slidable connector 16 of Maglich is adapted to do so with the container connector 204B of Lawrence.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3643

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/565,310
Art Unit: 3643

Page 8

/Son T. Nguyen/
Primary Examiner, Art Unit 3643